

Casey	Klobuchar	Sanders
Coons	Landrieu	Schumer
Donnelly	Leahy	Shaheen
Franken	Levin	Stabenow
Gillibrand	Manchin	Tester
Hagan	McCaskey	Udall (CO)
Harkin	Merkley	Udall (NM)
Heinrich	Murray	Walsh
Hettkamp	Nelson	Warner
Johnson (SD)	Pryor	Whitehouse
Kaine	Reid	Wyden
King	Rockefeller	

NAYS—56

Alexander	Enzi	Menendez
Ayotte	Feinstein	Moran
Barrasso	Fischer	Murkowski
Blumenthal	Flake	Murphy
Blunt	Graham	Paul
Booker	Grassley	Portman
Boozman	Hatch	Reed
Boxer	Heller	Risch
Burr	Hirono	Roberts
Chambliss	Hoeben	Rubio
Coats	Inhofe	Scott
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Collins	Johnson (WI)	Thune
Corker	Kirk	Toomey
Cornyn	Lee	Vitter
Crapo	Markey	Warren
Cruz	McCaIn	Wicker
Durbin	McConnell	

NOT VOTING—3

Cardin	Mikulski	Schatz
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The PRESIDING OFFICER. On this vote the yeas are 41, the nays are 56. Three-fifths of the Senators present and voting have not voted in the affirmative, the motion is rejected.

Mr. REID. Madam President, for those students who are out there trying to learn what goes on in the Senate and for those professors who teach what goes on in the Senate, this is not totally new, but this is in the category of being fairly new.

This is an example of the Republicans filibustering not one of our bills but their own bill. How about that? There are 26 Republican cosponsors, and they filibustered their own bill.

We have asked on a number of occasions for what we have done around this body for decades: You come up with a list of amendments, you come up with a list of amendments, and we will work through those amendments.

Do you know why we don't do that anymore? The Republicans cannot agree among themselves what they want as amendments. They cannot come up with a list. They are so tangled up with the tea party here, the tea party there, people running for President, they cannot decide on a list of amendments to bring before the body. So what do they do? They block everything.

I was hoping that with the majority of the Republicans sponsoring a bill, we could at least move forward on it. People who sponsored this bill voted against it. They are bringing to this body a new definition of what it means to sponsor legislation. I mean, who, of the people who have come before us in this body, ever voted to filibuster their own bill? That is what they have done. But it is nothing new.

I see on the floor the senior Senator from New Hampshire. She worked for more than a year with some Republican colleagues to do something that

is so badly needed in this country now; that is, energy efficiency. Energy is wasted every day in this country. She and some Republican colleagues worked on a measure to reduce the waste of energy. It is called the energy efficiency bill. Guess what. The Republicans voted to kill their own bill.

I was originally told by Republicans: Go ahead and let's just vote on it as it is.

I thought that was great because they had been working on it in committee. They had a significant number of amendments that had been dealt with before on the floor, and they put them in the bill and they brought it to the floor. But then I am told—and I have said this before, and I will say it again because we need to repeat something that needs repeating—give us a vote on the Keystone Pipeline. All we want is a sense of the Senate.

I didn't like that because we already had an agreement. I came back and said: OK, do it.

Then we came back after a recess of a few days, and they said: Well, we have a new deal now.

What is that?

We want an up-or-down vote on Keystone.

We cannot do that. We already have an agreement to get this moving.

I go back and mostly talk to myself, quite frankly, because it is not very logical what I am being asked to do, but I talk to myself for a while, and I come back and say: OK, on Keystone, an up-or-down vote right here on the Senate floor.

They couldn't take yes for an answer even on that.

And then—the audacity—Republican Senators have come to the floor since then and said: They won't give us a vote on Keystone.

They did it on Shaheen-Portman. We had an economic development revitalization act. One of the Republican cosponsors there voted to block that. Small business innovation—three Republican cosponsors voted to block that.

This is a new phenomenon for the professors and the students to figure out. You sponsor a bill and then you vote to kill it before you even bring it to the floor. So I guess sponsorship doesn't mean what it used to mean anymore. It means "I am sponsoring this bill, but watch out because I may vote against myself."

So we are going to continue to work on this side of the aisle to try to get work done, but observers need to look no further than Republican sponsors voting against their own bills to see where the problem lies.

EXECUTIVE SESSION

NOMINATION OF SHAUN L.S. DONOVAN TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

NOMINATION OF DOUGLAS ALAN SILLIMAN TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF KUWAIT

NOMINATION OF DANA SHELL SMITH TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Shaun L.S. Donovan, of New York, to be Director of the Office of Management and Budget; Douglas Alan Silliman, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait; and Dana Shell Smith, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador of the United States to the State of Qatar.

The PRESIDING OFFICER. Under the previous order, the time until 2 p.m. will be equally divided in the usual form.

The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD CARE TAX CREDIT

Mrs. SHAHEEN. Madam President, I come to the floor this afternoon to discuss legislation that I introduced this week with our colleagues, BARBARA BOXER, PATTY MURRAY and KIRSTEN GILLIBRAND. Our legislation responds to the rising cost of childcare in the United States and the impact it is having on millions of working families.

Our bill, called the Helping Working Families Afford Child Care Act, would help these working parents. It would help them afford childcare so they can go to work and support their families. What it does is update the child and dependent care tax credit that was passed in 1976 and has only been updated once since that time.

Access to affordable childcare is a necessity for working parents. I raised three daughters and I have seven grandchildren, so I appreciate just how important it is for working parents to know their children are being supervised by quality caregivers.

Sadly, I struggled with childcare from the time my first child was born in 1974 until the year my last child finally went off to college in 2004. Unfortunately, I am watching my daughters deal with that same struggle of how to find quality childcare for their kids.

A working parent can be productive in the workforce only when they know their children are safe. That is why the rising cost of childcare is a real burden for millions of families—especially for working mothers. Childcare costs are taking up an increasingly larger share of a typical family's take-home pay.

I visited a great NAEYC accredited childcare center in Nashua, NH, earlier this week, and I saw their infant room—where they care for infants. The average cost for full-time care for an infant in New Hampshire in a childcare center was almost \$12,000 in 2012, the last year for which we have data. It costs \$12,000. For a family trying to make ends meet, this is a huge cost.

In fact, in the Northeast the cost of full-time, center-based care for children now represents the highest single expense for a typical household. It costs more than housing, more than college tuition, more than transportation, food, utilities or health care.

Unfortunately, as the cost of childcare has grown, one critical tax credit that helps defray childcare costs has failed to keep pace. The child and dependent care tax credit was first enacted in 1976 with strong bipartisan support. It was supported by both Democrats and Republicans. This credit provides a tax credit to working parents for a portion of their childcare expenses. However, the limits on the credit are not indexed to inflation, and so their value has actually decreased over time. In fact, the limits have been increased just once in the past 25 years. The tax credit simply is not keeping pace with the growing cost of childcare.

The Helping Working Families Afford Child Care Act would update and improve this tax credit so it responds to the increasing burden of childcare costs. First, the bill would increase the amount of childcare expenses that are eligible for the credit. Right now families can only claim expenses up to \$3,000 for one child and \$6,000 for two or more children. That just doesn't make sense in New Hampshire or anywhere else in the country. In New Hampshire the average cost of childcare can exceed \$12,000 for a single child.

This bill increases the tax credit starting in 2015 and indexes the cost to inflation so they will continue to keep pace with rising childcare costs. The bill also makes the tax credit fully refundable and phases out the credit for families making over \$200,000 a year. It better targets how the money is spent.

Right now the tax credit is poorly targeted. It provides zero benefit for too many families who need it the most. By making the credit refundable, the bill better targets the tax credit to families who are most in need of childcare assistance.

I have been working on early childcare and education for most of my public career, especially during my years as Governor of New Hampshire. One of the lessons I have learned is that providing access to early and affordable childcare and education is not just about helping families make ends meet—although that is an important piece of it—it is also a short-term and long-term issue for our businesses and our economy.

As Governor I worked with the New Hampshire business community and established the Governor's Business Commission on Child Care and Early Childhood Education to engage business leaders in addressing the State's childcare and early education needs. We did a study that looked at the impact of the shortage of quality childcare in New Hampshire back in the 1990s. We found that businesses were losing up to \$24 million a year as a result of childcare-related absenteeism, and nearly one in four employees was forced to change jobs or switch to part time as a result of their inability to find satisfactory childcare.

We have many national studies that show that quality, dependable childcare for employees is vital to a company's productivity. In fact, researchers estimate that childcare breakdowns leading to employee absences cost businesses \$3 billion a year because parents are concerned about where their kids are.

In addition, a majority of companies report that employee absenteeism is reduced when quality childcare services are offered. Employee turnover is also reduced, and we know how important employee retention is to a business's bottom line.

The long-term benefits to our workforce are also clear. Research shows that quality childcare and early childhood development are critical to preparing our children for tomorrow's jobs. We know that the first 5 years are the most critical in the development of a child's brain. During these years children develop their cognitive, social, emotional, and language skills that form a solid foundation for their lives.

Research shows that children who received quality childcare do much better in school; they are less likely to drop out; they are more likely to read at grade level; they are less likely to repeat grades; they are less likely to need special education; and they are less likely to get into trouble. The experiences children have in their first few years will affect them, their families, and our society for the rest of their lives. I think it makes more sense for us to invest in early childhood care and education because we can either spend the money then or we can spend a whole lot more money later. When kids don't get a good start in life, they wind up getting into trouble and can end up in prison.

I used to talk about the cost of early care and education being about \$1 for \$7 that gets spent at the other end if we

don't pay for these costs. It is a whole lot cheaper to pay for childcare than it is to pay for prison. That is why we have to respond to the rising cost of childcare. We have to ensure that working families can afford quality childcare.

The legislation we introduced this week will help working families in the short term, and it will especially help working mothers as they go to work. It will support the early development of our children, which is so critical to our future, our economy, and our workforce.

I am hopeful we can get a lot of sponsors for this legislation and get bipartisan support just as the credit had when it passed in 1976 so we can provide the help that working families need.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER (Ms. HIRONO). The Senator from Alabama.

Mr. SESSIONS. Madam President, I first wish to say to the distinguished majority leader that the recent filibuster was supported by a number of Democratic Members, but most importantly it was supported by Members who did, in fact, favor the legislation. The reason they refused to go forward with the bill is because Senator REID—in a dictatorial manner—has announced that he intends to control amendments. You don't get an amendment unless you grovel to the majority leader.

There is no reference to the majority leader in the Constitution of the United States. He doesn't get to tell an individual Senator they can't have an amendment on a bill. He has been doing that consistently, and it is not right. We have been on this bill long enough to cast 10 or 15 votes. It is not a question of time as to why he will not allow amendments.

The reason the majority leader will not allow amendments is because he wants to protect his Members from actually being held accountable by the voters of the United States of America by having to cast votes and choose sides. That is what it is all about. It has gone on way too long. It is demeaning to this Senate, and he demeans the loyal opposition who are doing the only thing they have as a tool, which is refusing to move forward with a bill because the majority leader is going to use parliamentary maneuvers to block anybody's amendment. I wish it were not true.

I will not go quietly and allow him to come down and blame others for the problem he has caused. We could have already had this bill up for final passage. It is not a question of time. It is a question of control and domination of the Senate, and the majority leader is not entitled to do that. He is not entitled to do that, and it is not going to continue. This will be broken sooner or later.

If the majority leader wants to move important legislation, he is going to

have to agree to a process that allows duly elected representatives of various States in America to be able to at least offer an amendment.

My remarks today are to discuss the nomination of Shaun Donovan to be the Director of the Office of Management and Budget. This is a very important office.

I voted against Mr. Donovan in the Budget Committee, and I wish to take this opportunity to share with my colleagues my concerns. My concerns are not related to his character or personality or decency but his experience and qualifications to serve as the Nation's chief financial manager—the Director of the Office of Management and Budget.

Alexander Hamilton explained in *Federalist 76* why the Senate was assigned a role in the confirmation process:

It would be an excellent check upon the spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity.

The President has the right to nominate, and his nominations should be given deference, but as Hamilton made clear, when the President's nominee does not have the fitness necessary for a critical position, the Senate should not provide its consent.

The Director of the Office of Management and Budget is one of the most important positions in the entire government, entrusted to oversee our massive Federal bureaucracy and budget process during a time when the Nation is facing tremendous financial danger.

Only weeks ago the Director of the Congressional Budget Office reaffirmed in testimony before Congress that the debt of this country is on an “unsustainable path,” and he meant exactly that. He went on to say that America faces the “risk of a fiscal crisis.” He means Greece when he says “a fiscal crisis.”

Whoever holds the job of budget director must be one of the toughest, strongest, most able, and disciplined managers in America. We ought to be looking for the very best. We need someone who already understands this massive Federal Government, the financial stresses we are under, where the problems arise, and how to manage it.

We need somebody with the capability and credibility to deal with strong-willed cabinet people who, as history shows, always want to spend more and need to be told no by the Office of Management and Budget.

Sadly, what has become clear is that the President did not choose Mr. Donovan because he met those criteria. That was not what he was looking for. Mr. Donovan does not come close to meeting those qualifications. He just does not. I enjoyed meeting with him, but I asked him questions that deal with fundamental issues everybody in Congress understands but he doesn't

understand because he hasn't had experience with them. Instead, it would seem Mr. Donovan, as with the President's past Budget Directors, was chosen because he has good people skills and personality and is politically loyal and would defend the administration's goals and priorities even when the result might be unfavorable to the public's fiscal health.

We have seen this time and again in the President's Budget Office. His past Budget Directors have done more to conceal financial problems the Congressional Budget Office has told us we face than to illuminate those problems. They have steadfastly sought to avoid serious discussions about the unsustainable debt course we are on and to lay out any credible policies to fix that problem. They have been unresponsive to congressional inquiry. They make false statements about what their budget would actually do. Indeed, they have repeated—Mr. Lew did when he was Director—that our budget would pay down the debt when, in fact, there was not a single year in his 10-year budget that the deficit was less than \$500 billion. They have tried to break spending caps that are agreed to by the President and are in law, and they refused to comply with legal requirements to submit a plan to prevent Medicare's insolvency—an edict the law requires him to do, and President Bush did.

The Office of Management and Budget should be one of the least political departments in government. Instead, the President has made it one of the most political. Shouldn't the American people be able to look to their Budget Director with confidence, knowing their tax dollars have been entrusted to someone with great wisdom and experience and independence? Shouldn't they be able to know their Budget Director will look the American people in the eye and tell them squarely what the true facts are we are facing today, and is someone who could lay out a plan that would actually work to fix the debt course we are on?

The President had the ability to scour the country for the most skilled, talented, disciplined, and gifted manager he could find for this office. Very few people of prominence would turn down a request from the President to fulfill that duty. A renowned manager of great financial acumen and recognized independence is what we are looking for—someone with a track record, a proven record of saving taxpayers' dollars, developing new efficiencies, taking on entrenched interest in the service of the public good, not the special interest good. They have to be capable of meeting with someone such as PAUL RYAN, chairman of the House Budget Committee, to meet with members of the Budget Committee such as Senator ROB PORTMAN who was also a former OMB Director; Senator PAT TOOMEY, Senator CHUCK GRASSLEY, Senator RON JOHNSON, a businessman and an accountant. They know about

these matters. They have been working on them. They have been negotiating and producing plans. Mr. Donovan has no knowledge of them. He cannot discuss it with them intelligently. He has no background in that. He has shown no interest in it. I suspect Mr. Donovan was stunned when he was offered this job. He certainly has not prepared himself for it. I am not criticizing him specifically as a person; I am saying this is not the kind of person we need today. There is nothing in his background to suggest he is up to the task this urgent hour requires.

More troublingly, Mr. Donovan himself has a poor record of financial management at HUD. He is the Secretary of Housing and Urban Development. During his tenure HUD has received repeated and stark criticism from his own agency's inspector general. They appoint, within these Cabinet positions, an inspector general who analyzes and acts independently to advise the Secretary and the Congress if something is wrong. Well, I would suggest what I am going to say evidences that Mr. Donovan's skill is in spending money and making investments rather than saving dollars and managing money.

His record at HUD shows he spent money illegally, violating the Antideficiency Act—a very important act. On the great financial issue of our time—our Nation's crippling debt burden—I asked Mr. Donovan at the hearing in the Budget Committee about what he would propose to fix the unsustainable debt course. Shouldn't he do that? He offered no serious ideas to get our debt under control. Clearly, he has no intention of providing the leadership needed to reverse our disastrous current debt course.

For instance, the President's most recent 10-year budget plan he submitted would break the in-law spending limits he agreed to and increase our Nation's total debt by an average of \$800 billion a year. Over the next 10 years, under his budget plan, we could be expected to average deficits of \$800 billion a year, almost \$1 trillion. Indeed, in the 10th year, it is virtually \$1 trillion.

I asked Mr. Donovan about this and he replied:

The President's . . . budget includes fully-paid for, fiscally responsible investments that will create jobs, grow the economy, and expand opportunity for all Americans.

That is the answer we got. I submit that is not responsible. That is not serious. He is not in touch with reality.

When Mr. Donovan was forced to admit in follow-up written questions that the President's budget plan would add \$6 trillion to the public debt over the next 10 years, he called the increase “nominal.” It is precisely this cavalier attitude from government elites that is leading our Nation to financial catastrophe. CBO says these deficits put us on a path to a fiscal crisis. Last year we paid \$220 billion in interest on our \$17 billion debt. But the

Congressional Budget Office projects that interest rates are going to return to more normal levels in a few years and we continue to add more deficits every year. They project that in 10 years, interest on the debt will be \$800 billion. It will pass the defense budget—interest in 1 year will pass the size of the defense budget by 2019. This is dangerous. We cannot continue on this course.

I would also share that in talking to my colleagues about their discussions with Mr. Donovan, they expressed concern that when he met with them individually, he lacked basic knowledge about the fundamentals of the Federal budget. Consider the written testimony he later provided to the committee about his specific plans for entitlement reform—mandatory spending reform. He said:

I have not . . . written any papers or given any talks or lectures that specifically lay out a comprehensive plan for Medicare or Social Security.

So this is the person who is supposed to coordinate the effort to rein in spending and put us on a sound path. I would say not only has he not written any papers or given any lectures, I am not aware he has given any thought at all to fixing Medicare and Social Security, two of the biggest challenges this Nation faces. I don't think he has ever expressed a serious thought about these issues.

In response to one question about Medicare data, Mr. Donovan told me the data did not exist. But the data does, in fact, exist. And his response cited the very report from which the data was found. At his hearing, Mr. Donovan could not answer fundamental questions from Senator JOHNSON about the Social Security trust fund. That is very important. With only 2 years left in the President's Administration, the Nation needs to have someone at OMB who can hit the ground running, who knows these issues.

I asked him about defense. I am a senior member of the Armed Services Committee. He didn't understand the F-35 program. He is not able to converse intelligently about the troop levels we are talking about having to reduce. He couldn't talk about aircraft carriers—something he has never had any experience with whatsoever. That is why he couldn't talk about it, and he has never given any thought to it.

This lack of basic knowledge and professionalism is evidenced in the inspector general reports about his tenure at Housing and Urban Development. Here, for instance, is a representative example from an IG report issued on February 19 of this year about his multi-family project refinances program. They came up with a plan that supposedly refinanced housing loans and saved money. This is what the inspector general said:

HUD did not have adequate controls to ensure that all Section 202 refinancing resulted in economical and efficient outcomes.

They went on to say:

Specifically, (1) HUD did not ensure that at least half the debt service savings that resulted from refinancing were used to benefit tenants or reduce housing assistance payments, (2) consistent accountability for the debt service savings was not always maintained, and (3) some refinancing were processed for projects that had negative debt service savings—

In other words, instead of saving money, the refinancings cost money.—which resulted in higher debt service costs than before the refinancing.

It goes on to say:

These deficiencies were due to HUD's lack of adequate oversight and inconsistent nationwide policy implementation regarding debt service savings realized from Section 202 refinancing activities. As a result, millions of dollars in debt service savings were not properly accounted for and available, the savings may not have been used to benefit tenants or for the reduction of housing assistance payments, and some refinanced projects ended up costing HUD additional housing assistance payments because of the additional cost for debt service.

That is not the kind of glowing review one would hope to accompany a nominee to an office who would oversee the entire Government of the United States of America.

But the problems get worse. Every year, the HUD inspector general conducts an audit to determine if HUD's financial statements are in order. When an agency's financial statements are in order, that agency is awarded an unqualified or clean audit, meaning there are no material defects in the way the agency is managing its books. For the years 2012 and 2013, under Secretary Donovan's leadership, HUD received failing grades or a qualified audit, which means material problems were found with HUD's financial statements. Twenty-four agencies undergo the audit process every year. Only two failed in 2013: HUD and DOD. And we all know DOD has never yet reached the kind of accounting the government requires in that massive agency. So HUD is the only non-DOD agency that failed last year.

Whereas DOD has historically had problems with financial statements, HUD had, prior to Mr. Donovan, received clean reports. The inspector general, in failing Mr. Donovan, noted that HUD had improper budgetary accounting and lacked proper accounting for cash management. HUD, under Mr. Donovan's watch, was also recently charged with an Antideficiency Act violation by the inspector general—a big problem, in my opinion. It is serious.

The Antideficiency Act essentially prohibits government employees or agencies from spending money that has not been appropriated by Congress. No President, no Cabinet Secretary can spend money under the Constitution that has not been appropriated for that purpose by Congress.

So according to information received from the HUD inspector general, HUD, under Mr. Donovan's watch, has at least seven instances of violating the Antideficiency Act. These violations

include overobligation of personnel or payroll funds, making student loan payments in excess of the funds allowed for that purpose, and obligating funds that were no longer available, and some of these were done after clear warnings to stop it.

In one of the most recent violations, HUD paid more than \$620,000 to a senior adviser to Secretary Donovan—personally his adviser, his staff—but they paid for it not from Mr. Donovan's budget for that purpose—to hire staff with—they paid for it out of the Office of Public and Indian Housing funds even though Mr. Donovan's adviser in his office was not employed in the Office of Public and Indian Housing section. This adviser's pay was required to come from the funds in the secretary's office, his budget.

The inspector general found that HUD had ignored the advice of its own legal counsel and disregarded concerns that had been previously expressed by the House Appropriations Committee on antideficiency matters at HUD.

I do not see how he could not be aware of this. This is his own adviser. His own lawyer said: You should not pay for it out of the Office of Public and Indian Housing funds. But he did it anyway.

Congress had specifically addressed HUD's salary funding for the Secretary's senior advisers—it had been a subject of House discussion, which is unusual—and previous ADA violations. According to a July 26, 2010, House of Representatives report, "all senior advisors to the Secretary should be funded directly through the Office of the Secretary." Of course. In addition, a HUD appropriations attorney in the HUD staff wrote in a January 13, 2011, email that a special adviser to the Office of the Secretary would need to be paid by that office—the Secretary's office—and not another office within HUD. Despite the direction in the House report and guidance from his own appropriations attorney, HUD paid this adviser for his services from the Office of Public and Indian Housing program.

Subsequently, in June 2012, Congress again admonished HUD for the lack of staffing data it provided and had available internally. Congress wrote:

This lack of essential information led to multiple Anti-Deficiency Act violations in fiscal year 2011, in which HUD hired more people than it had resources to pay. To date, HUD has not even tried to address these problems and thus the Committee has no faith in HUD's ability to appropriately staff its operations.

It is a very serious criticism of the management ability of the man now put in charge of managing an entire government. It is not the kind of activity that warrants a promotion.

Finally, I have to say this. I have to mention this little matter: Mr. Donovan's membership in the Owl Club at Harvard—an item many of our Democratic colleagues found most reprehensible when Justice Alito came up for

confirmation for the Supreme Court. This is a club the late Senator Ted Kennedy, resigned from because it did not admit female members. Indeed, Harvard kicked the club off campus in 1984, but that was the very year Mr. Donovan became a member and remained so until 1987. I have heard no complaints from my colleagues about Mr. Donovan's membership in the Owl Club even after it was kicked off campus, but they howled mightily when Justice Alito was found to be a member of a similar club at Princeton.

So I would ask my colleagues, in conclusion, does this sound like the background of someone who really is the right man for the job at this time? That is my fundamental concern. I do not believe his background, skills, and record indicate he is ready for one of the toughest jobs in government.

This President, even more than most Presidents in their second term—and they all tend to do this—is surrounding himself closer and closer with a small group of political loyalists—Secretary Lew, Secretary Johnson, Secretary Perez. So do we need another loyalist who protects him better? Wouldn't the American people and the President himself be better off with a strong, capable manager who can see through all the fog and the political falderal and make good decisions, preserving the taxpayers' resources?

We need someone who will act independently on behalf of the President and the American people, who will respect the jurisdiction of Congress and legitimate congressional powers, who will follow the law and submit a Medicare plan, as the law requires, because it is going into default. The law says if it goes into default and the Medicare trustees send a notice—and they have—the President is supposed to submit a plan to fix it. OMB is the place that has always come from. It has come from there previously. And shouldn't he tell the White House no if he is asked to do something that is improper for the financial future of America?

Well, I do not like having to oppose Mr. Donovan. He seems like a nice person. But he is the wrong man for this important job. I think he has been chosen for the wrong reasons, not for the right reasons. I will oppose his nomination. The President himself, I truly believe, and the Nation would benefit from the most capable, strong, and competent nominee the country can produce at this critical time. That's not Mr. Donovan.

I thank the Chair and yield the floor.
The PRESIDING OFFICER. The Senator from Virginia.

(The remarks of Mr. KAINE and Mr. PORTMAN pertaining to the introduction of S. 2584 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, the committee which I am privileged to chair, the Homeland Security and Gov-

ernmental Affairs Committee, and on which Senator PORTMAN serves is responsible for working with the administration and others to help make sure that Federal agencies work better and more efficiently with the resources we entrust to them.

During my years of public service, I have learned that an essential ingredient in enabling organizations of any type to work well is leadership. It is what they say about integrity: If you have it, nothing else matters; if you don't have it, nothing else matters. In an organization, if you have great leadership, that is most important.

That is the case both in government and the private sector and in organizations large and small. Part of our responsibility here is ensuring that we have effective leaders in place across our Federal Government.

It is every Senator's constitutional role to provide advice and consent on the President's nominations in a thorough and timely manner as part of the Senate's confirmation process.

Today we have an important nomination before us. It is the nomination of Shaun Donovan to be Director of the Office of Management and Budget. I wish to express my sincere gratitude, not just to Secretary Donovan for his willingness to take on this critical role, but also I wish to thank his wife. I would like to thank his two boys who joined him at a hearing, and I want to say if my son were that age, there is no way he could sit through that: attentive, listening, thoughtful. What a tribute to their dad. It is all well and good what the rest of us think, but to have that kind of show of support from teenagers is pretty amazing these days.

While Shaun has very large shoes to fill left by Sylvia Mathews Burwell, I believe he is up to the task and, maybe more importantly, she believes he is up to the task. Sylvia is somebody who we admire deeply around here. She did a great job as OMB Director. She is now the Secretary of Health and Human Services.

She has known Shaun Donovan since they were undergraduates together at Harvard. She knows what he is made of, she knows his values, she knows just how smart, how bright, and also just how hard-working he is, and she has known him for a long, long time.

Secretary Donovan's nomination was successfully reported out of both the Senate Budget Committee and the Senate Homeland Security and Governmental Affairs Committee. I am hopeful that we will be able to do our part today and vote to fill this key vacancy.

We know that Secretary Donovan is a strong leader who can take on and solve tough problems. As Secretary of the Department of Housing and Urban Development for the past 5 years, he has guided our Nation through one of the worst housing crises in our lifetime.

We also know that Secretary Donovan is someone who can cut through red tape and work together with agen-

cies more effectively. That is precisely why the President asked him to chair the Hurricane Sandy Rebuilding Task Force—and boy did he do a job.

He has also had high-level experience in local government, as commissioner of the New York City Department of Housing Preservation and Development, and has worked in the private sector and the nonprofit sector. He knows this job. He knows his governing responsibilities from all angles. He knows how the Federal budget is impacted not only by Federal agencies but communities, businesses, and individual Americans and their families.

I believe he has the diverse experience, strong work ethic, and leadership skills to get the job done and successfully continue his public service as Director of OMB.

As Director of the Office of Management and Budget, Secretary Donovan will be faced with helping to lead our country back to a more fiscally sustainable path. Let me just say, 5 years ago when this administration took office, they inherited a deficit that was \$1 trillion. After the stimulus package, it was \$1.4 trillion. This year we expect it to have been reduced by two-thirds. Is that good enough? Should we be satisfied and pat ourselves on the back? No, but we are headed in the right direction. Under Shaun's stewardship we will continue to do just that.

I believe that the grand budget compromise that we need, though, must have three essential ingredients:

No. 1, we need entitlement reform that saves money, saves those programs for our children and grandchildren, and does not savage old people or poor people.

No. 2, we need tax reform, and not only to lower—in my view—the corporate rates to be competitive with the rest of the world. We can forget all this inversions mess—the nonsense that is going on. We need to do that but also do tax reform and do it in a way that actually generates some additional revenues, and then we use those revenues for deficit reduction.

No. 3, we need to look at everything we do in government and ask this question: How do we get a better result for less money—everything we do from A to Z—and act accordingly.

OMB is critically involved in all three of those approaches, whether it is entitlement reform that is consistent with the values for the least of these in our society or tax reform that generates some additional revenues and lowers corporate rates. We are actually getting more for our money in everything we do.

OMB is essential and critical, and the OMB Director is going to be the point person for making sure we continue to make progress in each of those three areas.

I know from my own conversations with Shaun Donovan—which now stretch over 5 years—he will be a strong voice for fiscal responsibility and effective government management.

As Senator COLLINS and I pointed out in introducing Secretary Donovan before our committee just a couple of weeks ago, he is known for using rigorous data analysis to demand better results from government programs and to save taxpayer money. She also pointed out he will be a leader of integrity and intelligence in a critical job.

I mentioned the word “integrity” before, and I will say it again: Integrity, if you have it, nothing else matters; if you don’t have it, nothing else matters.

He has integrity. He is a bright guy, a very smart guy, hard-working, a wonderful family, and a great track record—not just in government but in the private sector, nonprofits, local, State, and Federal governments.

He has demonstrated what he can do leading a big agency such as Housing and Urban Development and how he can lead in a cross-agency way when we were suffering under Superstorm Sandy, which came right through our part of the country.

I think he is well qualified for the position for which he is nominated. I am pleased the President nominated him, and I am pleased Sylvia Mathews Burwell is still around over at HHS.

Sean has done a wonderful job at HUD, and he will do a great job at OMB. I am pleased to support his nomination, and I hope all my colleagues will as well.

I ask unanimous consent that the vote on confirmation of the Donovan nomination occur at 2:05 p.m. and that Senator MURRAY be in control of the final 2 minutes prior to the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Louisiana.

UNACCOMPANIED BORDER CHILDREN

Mr. VITTER. Madam President, I rise today to discuss the growing crisis of unaccompanied alien children streaming across our southern border. It has been called a mounting crisis, including the security crisis it is. There are some 52,000 who have come across in the last several months, according to recent reports—up from just a few thousand 1 year ago—and the threat is that will grow significantly. It is continuing to grow.

This has been called a humanitarian crisis, and it is. These are, in most cases, vulnerable children who were taken through by human smugglers, by drug cartels, by other folks who do not—absolutely do not—have their best interests in mind. These children are often mistreated in all sorts of despicable ways through that journey.

How do we address this crisis? It seems to me we need to get our core response right, and the only way to stop this increasing flow is to make clear this activity will not be successful.

The only way to do that is to detain these illegal aliens in our country and keep them under our supervision until we quickly deport them to their countries of origin.

That is the only response, the only message, the only visual that will stop this mounting flow from continuing to grow. That is the most humanitarian response that will stop more and more of these Central and South American children from being put in this illegal trade and being victimized along the way.

Now, unfortunately, so far, that is not the response President Obama has made.

After speaking for weeks about the 2008 change in immigration law as a factor in this scenario, when President Obama presented a request to Congress on this issue, he did not request any change in that law. He talked about it. He pointed to that law for weeks saying this was the root cause of the problem. Yet in his request to Congress he is not proposing we change that law.

Instead, all he is proposing is more money—a lot more money—\$3.7 billion. Now, some more response and some more resources are undoubtedly necessary, but the lion’s share of that, again, doesn’t go to enforcement, doesn’t go to deportation, doesn’t go to sending these illegals back to their home country quickly, humanely, and efficiently. It goes to feeding them and housing them in this country for an extended, indefinite period of time.

That is not what we need again.

What we need, instead, is whatever changes to the law are necessary to allow us to detain these folks in a proper, humane way and quickly move them back to their home countries. We need the will and the resources to get that done in a quick, efficient way. That is what I will be proposing with many others in both the House and the Senate.

For this to work we also need the will and the cooperation of the administration, and I am concerned that there isn’t that real focus, real determination, and real will. It is great to have the right law written down on a piece of paper, the right words on a page, but it is equally as important—perhaps more important—to have the right administration, the right spirit, the right execution, the right follow-through on those words on a page.

Unfortunately, we haven’t had that in the Obama administration either.

The Los Angeles Times, not exactly a right-leaning publication, has noted that deportations of illegals has plummeted from the high in 2008, plummeted every year since then, to an absolute low in 2013 of about 1,669—from a high of 8,100, down each and every year to 1,600.

This first drop probably had a lot to do with the change in the law to which President Obama has alluded. We need to fix that. But these other drops have to do with the spirit, the focus, and the determination—or lack thereof—of the present administration.

Similarly, about 600 minors—all illegals—were ordered deported each year from nonborder States a decade ago—a decade ago 600 and last year

only 95. Again, this is the same plummeting trend, the same absolutely plummeting trend. That is what we need to fundamentally reverse.

To reverse that I have joined with other Members, as I suggested, to get the right solution in Congress, both changes in the law we need to make and the resources we need to hold these illegal aliens and quickly turn around the flow and send them back to their home countries. That is why I have joined already with Senator FLAKE in his amendment, which he was trying to propose on the Senate floor this week, to repeal the troublesome part of the 2008 law.

That is why I am going further and drafting additional legislation to give this administration the mandate, the ability, the directive it clearly needs to change that practice and to change that policy—not to allow these illegals to be released into the country simply on the honor system that they might show up for a court date—we know that well over 90 percent never show up—and not simply send more money to HHS to properly care for these illegal aliens with no end in sight.

Of course, they need to be properly treated and cared for when they are in this country and beyond, but we should not just write a blank check to keep them here forever but change the law and have the procedure in place to detain them—not to release them—and to quickly, effectively, bring them back to their home country.

That is what happens in a much more routine way for illegal aliens from border countries such as Mexico and Canada. That is what happens effectively in those situations. We need to mirror that. We need to copy that and make sure that happens effectively when the illegal alien is from a border State.

I wrote a letter to DHS Secretary Johnson back in January of this year regarding this very issue, before it became the current crisis, regarding reports detailing actual DHS assistance in the completion of smuggling illegal alien minors.

In that case, a smuggled child in many cases was transferred to illegal alien parents actually by DHS—by HHS’s Office of Refugee Resettlement. So actually, in those cases, the Federal Government was not completing the object of the criminal conspiracy—was not stopping the smuggling, not punishing the smugglers, but completing the operation. Again, it is another classic case of sending the wrong message—a message that will increase the flow and increase the problem, not decrease it.

Ultimately, that goes back to the humanitarian issue too, because encouraging human smuggling enriches drug cartels, allows them to continue using violence as a means to an end, and wages war on Mexican and American citizens alike as well as the folks involved from Central and South American countries.

We need to change that basic message. We need to turn around those

basic incentives. The only way to do that is to have a law and the execution of the law that is reversing that flow, that is apprehending these folks, that is treating them humanely, that is not releasing them out into American society, and that is quickly and effectively returning them to their home countries.

That is the only message, that is the only visual, that will stop this mounting wave and will address the horrible humanitarian problems that flow directly from it.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I come to the floor for the last minute of this debate to support Sean Donovan's nomination to be Director of the Office of Management and Budget.

I have worked very closely with Secretary Donovan over the last 5 years, and I know he has the skills and experience to work with Congress on creating jobs and tackling our long-term budget challenges fairly and responsibly.

In his role as Secretary of Housing and Urban Development, Secretary Donovan has proven time and again that he is focused first and foremost on strengthening our middle class by expanding opportunities for families and communities.

From his work on stabilizing the housing market following the financial crisis, to reinforcing the agency's role in providing access to affordable housing and building strong, sustainable neighborhoods, to ensuring communities hit hard by natural disasters have the resources they need to get back on their feet, Secretary Donovan has been a highly effective and responsive leader and a great partner to us in Congress, Democrats and Republicans alike.

Secretary Donovan's nomination passed through the Budget Committee with bipartisan support. I am confident he will bring these strengths and many more to the OMB. His leadership will be critical, because while we have made progress on our budget challenges, there is a lot of work yet to be done.

I look forward to working with Secretary Donovan to strengthen our fiscal outlook over the long term and ensure we can make critical investments in jobs and opportunities to support our families, workers, and the economy. I know Secretary Donovan will be a great partner in addressing these challenges, and I urge my colleagues to support his nomination.

I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Shaun L.S. Donovan, of New York, to be Director of the Office of Management and Budget?

Ms. COLLINS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Hawaii (Mr. SCHATZ) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 22, as follows:

[Rollcall Vote No. 221 Ex.]

YEAS—75

Alexander	Flake	Merkley
Ayotte	Franken	Mikulski
Baldwin	Gillibrand	Murkowski
Begich	Graham	Murphy
Bennet	Hagan	Murray
Blumenthal	Harkin	Nelson
Booker	Hatch	Portman
Brown	Heinrich	Pryor
Burr	Heitkamp	Reed
Cantwell	Hirono	Reid
Cardin	Hoeven	Sanders
Carper	Isakson	Schumer
Casey	Johanns	Shaheen
Chambliss	Johnson (SD)	Shelby
Coats	Kaine	Stabenow
Coburn	King	Tester
Cochran	Klobuchar	Udall (CO)
Collins	Landrieu	Udall (NM)
Coons	Leahy	Vitter
Corker	Levin	Walsh
Crapo	Manchin	Warner
Donnelly	Markey	Warren
Durbin	McCain	Whitehouse
Enzi	McCaskill	Wicker
Feinstein	Menendez	Wyden

NAYS—22

Barrasso	Inhofe	Roberts
Blunt	Johnson (WI)	Rubio
Boozman	Kirk	Scott
Cornyn	Lee	Sessions
Cruz	McConnell	Thune
Fischer	Moran	Toomey
Grassley	Paul	
Heller	Risch	

NOT VOTING—3

Boxer	Rockefeller	Schatz
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The nomination was confirmed.

VOTE ON SILLIMAN NOMINATION

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote on the Silliman nomination.

Mr. HARKIN. Madam President, I ask that we yield back all time.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Douglas Alan Silliman, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait?

The nomination was confirmed.

VOTE ON SMITH NOMINATION

The PRESIDING OFFICER. There is now 2 minutes of debate prior to the vote on the Smith nomination.

Mr. HARKIN. Madam President, I ask that we yield back all remaining time.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of

Dana Shell Smith, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

TERRORISM RISK INSURANCE PROGRAM AUTHORIZATION ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, the Senator from Minnesota was going to be recognized first. She is not in the Chamber, so I will go first and then we will get back in order.

I ask unanimous consent to be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN POLICY

Mr. INHOFE. Madam President, now that the results are in, I think it is time to talk again—as we did 5 years ago—about what is happening on what I consider to be the greatest failed foreign policy we have experienced.

When we look around the world and we see what happened and what is going on now—and this may be a narrow opinion—it is a result of the apology tour President Obama took immediately after becoming President of the United States.

I remember standing at this podium at that time and saying you don't go to the Muslim world and say: I will not make a speech until we have the Muslim Brotherhood coming with their required numbers. That was not good. This is a deviation from what we always stood for and that was certainly a slap in the face of our best friends in the Middle East, Israel.

Two weeks ago, three Israeli teenagers were found dead in shallow graves in a West Bank village, and it was such a tragedy, and, of course, reciprocity has taken place since then. Hamas has launched over 365 rockets indiscriminately into the Israeli civilian population. I have to say that when I look at some of the things we have worked on together with Israel—for example, the iron dome has performed very well during that period of time. Also, I will say that Prime Minister Netanyahu responded with some 700 or so airstrikes primarily using F-16s and doing it very well. This started 5 years ago, and we have had unrest in that area ever since then.

The Israeli Defense Minister said this week: "We are preparing for a battle